SHAL DETERMINATION DECISION DOCUMENT

U.S. Army Corps of Engineers, Chicago District

: Remington Homes PROJECT LOCATION/WATERWAY: Kane County FILE NUMBER: 200600300 PROJECT REVIEW COMPLETED: ☑ Office ☑ Field Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2) Based on available information; There are no waters on the project site. There are non-jurisdictional waters on the project site. There are waters of the United States on the project site. ☐ There are both waters of the United States and non-jurisdictional waters on the project site. Basis of Jurisdictional Determination: There are no jurisdictional waters of the United States present on the project site. The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1)) The presence of interstate waters (including interstate wetlands¹). (33 CFR 328.3 (a)(2)) The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5)) The presence of wetlands adjacent² (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7)) The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds). Other: Section 10 waterway. Information Reviewed U. S. Fish and Wildlife Service National Wetland Inventory: PINEGREE GROVE. U. S. Geological Survey Hydrologic Atlas: PINGREE GROVE, HA 232. USDA Natural Resources Conservation Service Soil Survey for Kane County. U. S. Geological Survey 7.5 Minute Topographic Maps: PINGREE GROVE, 1992. U. S. Geological Survey 7.5 Minute Historic Quadrangles: U. S. Geological Survey 15 Minute Historic Quadrangles: Aerial Photographs (Name & Date):2002 Advanced Identification Wetland Maps: KANE COUNTY \boxtimes Site Visit Conducted on: 3/28/2006 Other information: FEMA FIRM map, NRCS Farmed Wetland Determination Rationale for Basis (applies to any boxes checked above): Wetlands A, B, and C do not exhibit a surface water connection to a navigable waterway and are therefore not subject to Department of the Army regulations. Lateral Extent of Jurisdiction (33 CFR 328 and 329): Ordinary High Water Mark indicated by: clear, natural line impressed on the bank destruction of terrestrial vegetation the presence of litter and debris shelving changes in the character of soils other: wetland boundary is for Declining Jurisdiction: ☐ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7) Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale] nation of Wetland Boundaries This office concurs with your wetland delineation report dated , prepared by This office does not confirm your wetland boundary. nded by: Date: identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., ydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary escribed in the Corps Wetland Delineation Manual (1987)

ated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

REGULATORY PROJECT	'MANAGE	R: Ja	imee Ha	ammit	j	Date: 5/9/20	006		
PROJECT REVIEW/DETE	RMINATI	ON COM	PLETE		n the offi	•• (Y/N) Date: Date: 3/28/2	006	
PROJECT LOCATION INI State: County: Center coordinates Approximate size (Name of waterway SITE CONDITIONS:	s of site by l of site/prope	atitude & erty (incli		idinal coor	dinates:	III Ka	inois ane 2. 0247 , -88.4033		
Type of aquatic resource	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-2	5 ac 25-5	60 ac > 50 ac	Linear feet	Unknown
Lake		The second	П		\neg			- Itel	
River	一一	TH	17	- -		一十片	H		15
Stream	一一	tH -	Ħ	一一	TH	一十न			18
Dry Wash	TH	t H	Ħ	TH	一十片	一片	18		H
Mudflat		†Ħ	+ 17	ᅥᆏᅳ	一片	一十片	17		18
Sandflat	H	t∺	Ħ	一片一	一片	一十十	-		→
Wetlands		t H —	 	$\dashv \exists -$		ᅥ片	一		
Slough	18	 	†Ħ	+H-	一片	一十十	H		18
Prairie pothole		H	 	TH-	ᅥ片	一片			18
Wet meadow		Ħ	†Ħ-	- - - - - - - - - 	一一片	一片			
Playa lake	一一	t∺	TH T	15	一片	一一片	一十十		16
Vernal pool		TH -	17	15	一一	一一百	17		17
Natural pond	16	†Ħ	Ħ	TH	TH	一百			15
Other water (identify type)									
Check appropriate boxes that jurisdictional aquatic resource		type of iso	lated, no	 on-navigable	e, intra-sta	te water pre	sent and best esti	mate for size o	f non-
Migratory Bird Rule Factors ¹ :				If Known			Professional Jud		
		de la constitución de la constit	- July	Yes	No	Predicted to Occur			Able To Make etermination
Is or would be used as habitat f Migratory Bird Treaties?									
	y other migr	atory bird	s that			\boxtimes			
Is or would be used as habitat be cross state lines? Is or would be used as habitat f									

TYPE OF DETERMINATION:

OPITIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

Preliminary ☐ Or Approved ⊠

U.S. Army Corps of Engineers, Chicago District

APPLICANT: Montgomery / Kane County DOT PROJECT LOCATION/WATERWAY: Fox
FILE NUMBER: 200600297 PROJECT REVIEW COMPLETED: ☑ Office ☐ Field
Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2) Based on available information: There are no waters on the project site. There are non-jurisdictional waters on the project site. There are waters of the United States on the project site. There are both waters of the United States and non-jurisdictional waters on the project site.
Basis of Jurisdictional Determination:
 □ There are no jurisdictional waters of the United States present on the project site. □ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1)) □ The presence of interstate waters (including interstate wetlands¹). (33 CFR 328.3 (a)(2)) □ The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5)) □ The presence of wetlands adjacent² (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7)) □ The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds). □ Other: □ Section 10 waterway.
Information Reviewed
 ☑ U. S. Fish and Wildlife Service National Wetland Inventory: AURORA SOUTH. ☐ U. S. Geological Survey Hydrologic Atlas: ☐ USDA Natural Resources Conservation Service Soil Survey for Kane County. ☐ U. S. Geological Survey 7.5 Minute Topographic Maps: ☐ U. S. Geological Survey 7.5 Minute Historic Quadrangles: ☐ U. S. Geological Survey 15 Minute Historic Quadrangles: ☐ Aerial Photographs (Name & Date):2004 ☐ Advanced Identification Wetland Maps: KANE COUNTY ☐ Site Visit Conducted on: ☐ Other information: FEMA FIRM map, NRCS Swampbuster Map
Rationale for Basis (applies to any boxes checked above): A wetland exists on the project site, however it does not exhibit a surface water connection to a navigable waterway, and is therefore not subject to Department of the Army regulations.
Lateral Extent of Jurisdiction (33 CFR 328 and 329): Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soils wetland boundary destruction of terrestrial vegetation shelving other:
Basis for Declining Jurisdiction:
 ✓ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7) ✓ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria ✓ Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]
Confirmation of Wetland Boundaries ☐ This office concurs with your wetland delineation report dated ☐ This office does not confirm your wetland boundary.
Recommended by: S
Recommended by:

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

REGULATORY PROJECT	I MANAGE	K: Ja	imee Han	nmit	Date:				
PROJECT REVIEW/DET	ERMINATI	ON COM	PLETEI		he office Y	(Y/N) (Y/N)	Date: 5/10 Date:	0/2006	
PROJECT LOCATION IN	FORMATI	ON:		_					
State:						Illinois			
County:						Kane			
Center coordinate Approximate size Name of waterway SITE CONDITIONS:	of site/prope	erty (inch				41-44-3 5.6 Fox	7, 88-22-30		
Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
									In
Dry Wash			1 🗀	1 🗀	1 🔲	1 🖂	1 🗀		
	$\dashv \exists -$		18	18	18-	 	+		To the
Mudflat			H						
Mudflat Sandflat									
Mudflat Sandflat Wetlands									
Dry Wash Mudflat Sandflat Wetlands Slough Prairie pothole									
Mudflat Sandflat Wetlands Slough Prairie pothole									
Mudflat Sandflat Wetlands Slough									
Mudflat Sandflat Wetlands Slough Prairie pothole Wet meadow									
Mudflat Sandflat Wetlands Slough Prairie pothole Wet meadow Playa lake									

Migratory Bird Rule Factors ¹ :	If Knov	vn	If Unknown Use Best Pr	ofessional Judgment				
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination			
Is or would be used as habitat for birds protected by Migratory Bird Treaties?								
Is or would be used as habitat by other migratory birds that cross state lines?								
Is or would be used as habitat for endangered species?								
Is used to irrigate crops sold in interstate commerce?								
'Check appropriate boxes that best describe potential for appl non-navigable, intra-state aquatic resource area.	icability o	f the Migrat	tory Bird Rule to	apply to onsite, non-	jurisdictional, isolated			

TYPE OF DETERMINATION:

jurisdictional aquatic resource area.

DISTRICT OFFICE: Chicago

Preliminary 🗌 Or Approved 🖂

OPITIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

U.S. Army Corps of Engineers, Chicago District

APPLICANT: Keating Resources PROJECT LOCATION/WATERWAY: Northeast of the Interesection of Patterson Road and Laraway Road in the City of Joliet, Will County, Illinois FILE NUMBER: 200600291/LRC-2006-14058 PROJECT REVIEW COMPLETED: ☑ Office ☑ Field
Approved Jurisdictional Determination (JD) (For Sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2) Based on available information: There are no waters on the project site. There are non-jurisdictional waters on the project site. There are waters of the United States on the project site. There are both waters of the United States and non-jurisdictional waters on the project site.
Basis of Jurisdictional Determination:
There are no jurisdictional waters of the United States present on the project site. The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1)) The presence of interstate waters (including interstate wetlands¹). (33 CFR 328.3 (a)(2)) The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5)) The presence of wetlands adjacent² (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7)) The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds). Other: Section 10 waterway.
Information Reviewed
 ☑ U. S. Fish and Wildlife Service National Wetland Inventory: JOLIET. ☑ U. S. Geological Survey Hydrologic Atlas: JOLIET, 89. ☑ USDA Natural Resources Conservation Service Soil Survey for Will County. ☑ U. S. Geological Survey 7.5-Minute Topographic Maps: JOLIET, 1993. ☑ U. S. Geological Survey 7.5-Minute Historic Quadrangles:
Rationale for Basis (applies to any boxes checked above): Wetlands 1-3 are isolated and therefore not jurisdictional.
Lateral Extent of Jurisdiction (33 CFR 328 and 329): Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil wetland boundary destruction of terrestrial vegetation shelving other:
Basis for Declining Jurisdiction:
 ✓ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7) ✓ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria ✓ Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]
Confirmation of Wetland Boundaries This office concurs with your wetland delineation report dated, prepared by. This office does not confirm your wetland boundary
Recommended by: Date: 17 may 06
Recommended by:
Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e.,
occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary

from methods described in the Corps Wetland Delineation Manual (1987).

² Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

REGULATORY PROJECT	MANAGE	R: M	ielyssa N	Vavis	Dat	e: 16 N	1ay 20	06		
PROJECT REVIEW/DETE	RMINATI	ON COM	PLETE		n the office project site		Y/N) Y/N)	Date:	3 April 2006	.
PROJECT LOCATION INI State: County:	FORMATI	ON:		Atthe	project site	II	linois	Date: 20	April 2000	,
Center coordinates Approximate size of Name of waterway SITE CONDITIONS:	of site/prop	erty (i <mark>nc</mark> li				4		0.91 & 88 (ines	06' 43.43	
Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-	50 ac	> 50 ac	Linear	Unknown
Lake	$\neg \neg$							\vdash	icet	$\neg \vdash \neg$
River	-	 - - - - 	1 1	ᅥH		一片		+=		ᅥ片
Stream		╁┼	t∺	ᅥ岩	- ∺	ᅥ片	-	+#-		- 片
Dry Wash	ᅥ片		╁∺┈		ᅥ片	ᅥ片		 - 		⊣∺
Mudflat	ᅥ片	 	 			ᅥ片		+=		
Sandflat	ᅥ片	 	 	ᅥ岩ᅳ	一	ᅥ片		tH-	-	
Wetlands	ᅥᆏᅳ	H	1 1	$\dashv \exists -$		ᅥ片		+#-		- - - - -
Slough	ᅥH	H	 	$\dashv \exists -$	一	ᅥ片		+=		
Prairie pothole		17	Ħ	一一		ᅥᅢ		 - - - - - - - - -	-	ᅥ片
Wet meadow	一片一	†H-	十片一	一十一		ᅥ片		+H-	 	一日
Playa lake	17	tĦ-	17	一百一		一片		 		H
Vernal pool	$\dashv \exists \lnot$	 	†Ħ-	$\dashv \exists -$	H	一百		+∺-		H
Natural pond	一一	t H	╁╁╌	一百一	一片一	ᅥᅢ		一一	-	一一
Other water (identify type) Wetland	<u> </u>	×								
Check appropriate boxes that jurisdictional aquatic resource		type of iso	olated, no	on-navigable	e, intra-state w	vater pre	esent a	i nd best estin	nate for size	of non-
Migratory Bird Rule Factors ¹ :	The second	7,896	e active en el	If Kı	nown		He	If Ui e Best Profe	nknown	ymant
				Yes	No	Predict to Occ	ed	Not Expecte Occur	ed to No	ot Able To Make Determination
Is or would be used as habitat for Migratory Bird Treaties?										
Is or would be used as habitat be cross state lines?										
	-								12	
Is or would be used as habitat for Is used to irrigate crops sold in										

TYPE OF DETERMINATION:

OPITIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

Preliminary ☐ Or Approved ⊠

U.S. Army Corps of Engineers, Chicago District

APPLICANT: Grace Church of the Valley PROJECT LOCATION/WATERWAY: Kane County FILE NUMBER: 200600290 (LRC-2006-14057) PROJECT REVIEW COMPLETED: ☑ Office ☑ Field Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2) Based on available information: There are no waters on the project site. ☐ There are non-jurisdictional waters on the project site. There are waters of the United States on the project site. There are both waters of the United States and non-jurisdictional waters on the project site. **Basis of Jurisdictional Determination:** There are no jurisdictional waters of the United States present on the project site. The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1)) The presence of interstate waters (including interstate wetlands¹). (33 CFR 328.3 (a)(2)) The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5)) The presence of wetlands adjacent² (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7)) The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds). Other: Section 10 waterway. Information Reviewed U. S. Fish and Wildlife Service National Wetland Inventory: _____. U. S. Geological Survey Hydrologic Atlas: ☐ USDA Natural Resources Conservation Service Soil Survey for Kane County. U. S. Geological Survey 7.5 Minute Topographic Maps: AURORA NORTH, 1993. U. S. Geological Survey 7.5 Minute Historic Quadrangles: U. S. Geological Survey 15 Minute Historic Quadrangles: Aerial Photographs (Name & Date): Advanced Identification Wetland Maps: KANE COUNTY Site Visit Conducted on: Other information: FEMA FIRM Map, NRCS Wetland map, Drain Tile Survey Rationale for Basis (applies to any boxes checked above): The two farmed wetlands identified in the Wetland Delineation Report do not exhibit a surface water connection to a navigable waterway, and are therefore not subject to Department of the Army Regulations. Lateral Extent of Jurisdiction (33 CFR 328 and 329): Ordinary High Water Mark indicated by: clear, natural line impressed on the bank destruction of terrestrial vegetation the presence of litter and debris shelving changes in the character of soils other: wetland boundary Basis for Declining Jurisdiction: ☐ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7) Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale] Confirmation of Wetland Boundaries This office concurs with your wetland delineation report dated , prepared by This office does not confirm your wetland boundary. Recommended by: _____ Approved by:

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

² Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Chicago FILE NUMBER: 200600290 (LRC-2006-14057)

REGULATORY PROJECT	MANAGE	R: Ja	imee Ha	ammit	Ι)ate:	5/16/2006				
PROJECT REVIEW/DETER			PLETE		n the offic project s		(Y/N) (Y/N) Da	Date: ate: 3/30/20	06		
PROJECT LOCATION INF State: County: Center coordinates Approximate size of Name of waterway of SITE CONDITIONS:	of site by l f site/prop	atitude & erty (incl	longitu Iding u	idinal coor plands & ii	dinates: a acres):		Illinois Kane 41.8232 27 Fox	, 88.3743			
Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25	5 ac	25-50 ac	> 50 ac	Linear feet	U	nknown
Lake					10				Teet .		7
River											<u> </u>
Stream											
Dry Wash											
Mudflat]
Sandflat							Ħ				Ī
Wetlands		T									<u> </u>
Slough							i fi	T		T	1
Prairie pothole	一百一			一百	一百		Ħ				i
Wet meadow	Th	1百一	一				Ħ			T	1
Playa lake	16	tΠ	T	一百			Ħ				1
Vernal pool		T	TH	一一			Ħ	T T		TĒ	1
Natural pond	一百一	16	Ħ	一百	一百		Ħ	T			<u> </u>
Other water (identify type)											j
¹ Check appropriate boxes that b jurisdictional aquatic resource a		type of iso	lated, no	n-navigable	e, intra-stat	te wate	er present ai	nd best estim	ate for siz	e of non	-
Migratory Bird Rule Factors ¹ :	d one			If Known		1000	Unknown e Best Profe	ssional Judg	ment		
				Yes	No	Pr		Not Expecte Occur			To Make
Is or would be used as habitat fo Migratory Bird Treaties?	r birds prot	ected by									
Is or would be used as habitat by cross state lines?											
Is or would be used as habitat fo	r endangere	ed species?									
Is used to irrigate crops sold in in Check appropriate boxes that b non-navigable, intra-state aquati	est describe	potential i	for appli	cability of t	ne Migrato	ry Bir		⊠ ply to onsite	, non-juris	sdictions	ıl, isolated,
TYPE OF DETERMINATION					ı	Prelin	ninary 🔲	Or Appr	oved 🖂		
OPITIONAL ADDITIONAL rationale used to determine N	INFORM				MD (e.g., p	aragr	aph 1 – site	e condition:	s; paragr		

connections; and paragraph 4 - site information on waters of the U.S. occurring onsite):

U.S. Army Corps of Engineers, Chicago District

APPLICANT: Hamilton Partners PROJECT LOCATION/WATERWAY: Lake County
FILE NUMBER: LRC-2006-698 PROJECT REVIEW COMPLETED: ☑ Office ☑ Field
Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2) Based on available information: There are no waters on the project site. There are non-jurisdictional waters on the project site. There are waters of the United States on the project site. There are both waters of the United States and non-jurisdictional waters on the project site.
Basis of Jurisdictional Determination:
 □ There are no jurisdictional waters of the United States present on the project site. □ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1)) □ The presence of interstate waters (including interstate wetlands¹). (33 CFR 328.3 (a)(2)) □ The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5)) □ The presence of wetlands adjacent² (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7)) □ The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds). □ Other: □ Section 10 waterway.
Information Reviewed
 ☑ U. S. Fish and Wildlife Service National Wetland Inventory: LAKE ZURICH. ☑ U. S. Geological Survey Hydrologic Atlas: LAKE ZURICH, HA 208. ☑ USDA Natural Resources Conservation Service Soil Survey for Lake County. ☑ U. S. Geological Survey 7.5 Minute Topographic Maps: LAKE ZURICH, 1993. ☑ U. S. Geological Survey 7.5 Minute Historic Quadrangles:
Rationale for Basis (applies to any boxes checked above): Wetlands 1 and 2 do not exhibit a surface water connection to a navigable waterway and are are therefore not subject to Department of the Army regulations.
Lateral Extent of Jurisdiction (33 CFR 328 and 329): Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil wetland boundary destruction of terrestrial vegetation shelving other
Basis for Declining Jurisdiction:
 ✓ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7) ✓ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria ✓ Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria ✓ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]
Confirmation of Wetland Boundaries ☐ This office concurs with your wetland delineation report dated 4/19/2006, prepared by Christopher. B. Burke Engineering, Ltd. ☐ This office does not confirm your wetland boundary
Recommended by: Date: 5-19-06
UNIGINAL SIGNED
Approved by:Date:
wething are uchimized and definicated using the includes and criteria established in the Corps wething Definication without (1). Waiting the five particle using the includes and criteria established in the Corps wething Definication Waiting (1).

occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987). ² Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also

adjacent.

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Chicago FILE NUMBER: LRC-2006-									
REGULATORY PROJECT N	MANAGE	cr: K	imberly	Fisher	r	Date: 5/18/200)6		
PROJECT REVIEW/DETER PROJECT LOCATION INFO			PLETE		In the office e project s	·· (· · ·	N) Date: Date: 4/20/200	6	
State: County: Center coordinates of Approximate size of Name of waterway o SITE CONDITIONS:	f site by l site/prop	atitude & erty (incli				Illing Lake 42.2° 11 Fox			
Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 a	10-25	5 ac 25-50 a	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow	T	T	TП	一					Ī
Playa lake	T T	$\top \overline{\sqcap}$	T	一百一					TF
Vernal pool	T T	T					一一		† Fi
Natural pond	Ħ	†Ħ	17	TH	一百		15-		1 1
Other water (identify type)									
¹ Check appropriate boxes that be jurisdictional aquatic resource ar		type of iso	l lated, no	on-navigab	le, intra-stat	te water presen	t and best estima	te for size of	non-
Migratory Bird Rule Factors ¹ :	1.	71 - <u>9</u> 2		If Known	1	If Unknown Use Best Pr	ı ofessional Judgm	ient	
Contract of the second				Yes	No	Predicted to Occur	Not Expected Occur	to Not A	ble To Make termination
Is or would be used as habitat for Migratory Bird Treaties?									
Is or would be used as habitat by cross state lines?									
Is or would be used as habitat for					14-				
Is used to irrigate crops sold in in Check appropriate boxes that be non-navigable, intra-state aquatic	st describe	potential	for appli	cability of	the Migrato	ry Bird Rule to	apply to onsite,	non-jurisdict	ional, isolated
TYPE OF DETERMINATIO					I	Preliminary [Or Appro	ved 🗵	
OPITIONAL ADDITIONAL rationale used to determine N connections; and paragraph 4	JD, inclu	ding infor	mation	reviewed	to assess p	otential navi			

U.S. Army Corps of Engineers, Chicago District

APPLICANT: R.M Swanson Devlopment	PROJECT LOCATION/WATERWAY: Mill Creek/Lindenhurst
FILE NUMBER: 200501136 (LRC-2005-13884)	PROJECT REVIEW COMPLETED: ☑ Office ☐ Field
action. (33 CFR 331.2) Based on available information: There are no waters on the project site. There are non-jurisdictional waters on There are waters of the United States o	the project site.
Basis of Jurisdictional Determination:	
interstate or foreign commerce, including all was of the U.S.) (33 CFR 328.3(a)(1)) The presence of interstate waters (includin The presence of a tributary to an interstate The presence of wetlands adjacent ² (borde except for those wetlands adjacent to other The presence of an isolated water (e.g., int	used, or were used in the past, or may be susceptible for use to transport iters which are subject to the ebb and flow of the tide (i.e., navigable waters g interstate wetlands ¹). (33 CFR 328.3 (a)(2)) water or other water of the US. (33 CFR 328.3 (a)(5)) ering, contiguous, or neighboring) to interstate or other waters of the US,
Information Reviewed	
 Advanced Identification Wetland Map Site Visit Conducted on: May 18, 200 Other information: 	Atlas: on Service Soil Survey for Lake County. dopographic Maps: ANTIOCH, 1993. listoric Quadrangles: distoric Quadrangles: 1939, 2000, 1004, & 2005; PhotoMapper 2001, 2002 & 2005 as: LAKE COUNTY.
via Mill Creek. The Des Plaines is a navigable water waters of the United States under the jurisdiction of the Company of the	above): The areas labeled W5 & W6 are tributary to the Des Plaines River of the United States below Hoffman Dam, therefore these areas are also he Department of the Army. Areas W1-4 and W7 do not have a discernable United States and are therefore not under the jurisdiction of the Department
Lateral Extent of Jurisdiction (33 CFR 328 and 3. Ordinary High Water Mark indice clear, natural line impressed on the the presence of litter and debrise changes in the character of soil wetland boundary	eated by:
Basis for Declining Jurisdiction:	
☐ Area under consideration is likely to he Area under consideration is <u>not</u> likely	sted in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7) ave been jurisdictional under pre-SWANCC Migratory Bird Rule criteria have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
	on on the basis of 328.3(a)(3) [attach copy of HQ rationale]
This office does not confirm your wetland	neation report dated June 16, 2004, prepared by Raisanen & Assoc. boundary
Recommended by: ORIGINA	L SIGNED Date: WAY Ob
Approved by:	Date:
Watlands are identified and delineated using the methods	and oritoria actablished in the Corns Wotland Dolineation Manual (87 Manual) (i.e.

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

² Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

Date: 5-19-2006

Illinois

Lake

(Y/N) Date: 5-19-2006 (Y/N) Date: 5-18-2006

In the office

At the project site

Michael Murphy

DISTRICT OFFICE: Chicago

State:

County:

FILE NUMBER: 200501136 (LRC-2005-13884)

PROJECT REVIEW/DETERMINATION COMPLETED:

REGULATORY PROJECT MANAGER:

PROJECT LOCATION INFORMATION:

Center coordinates Approximate size of Name of waterway of SITE CONDITIONS:	site/prope	erty (inclu				210 ac	5306174515, eek/Des Plai		674495	
Type of aquatic resource	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 a	c 25-50 ac	> 50 ac	Linear feet	Unknown	
Lake										
River										
Stream										
Dry Wash										
Mudflat										
Sandflat										
Wetlands										
Slough										
Prairie pothole							TŌ		16	
Wet meadow									15	
Playa lake	TH	ΤΠ		$\top \Box $			16		Th	
Vernal pool	17	i Fi	Ħ	† <u> </u>	⊣		TH T		† 	
Natural pond	Th	T T	ī	TH					17	
Other water (identify type)										
	-									
¹ Check appropriate boxes that be jurisdictional aquatic resource a		type of iso	lated, nor	ı-navigable	, intra-state	water present a	nd best estim	ate for size o	non-	
Migratory Bird Rule Factors ¹ :				If Known		If Unknown Use Best Profe	Inknown Best Professional Judgment			
				Yes	No	Predicted to Occur	Not Expected Occur	Expected to Not Able To Make		
Is or would be used as habitat for Migratory Bird Treaties?	r birds prot	ected by				⊠				
Is or would be used as habitat by cross state lines?	other migr	atory birds	that							
Is or would be used as habitat for	r endangere	d species?	_	П			\boxtimes			
Is used to irrigate crops sold in in						T I	 			
Check appropriate boxes that be			or applica	ability of th	e Migratory	Bird Rule to as	ply to onsite,	non-jurisdic	tional, isolated,	
non-navigable, intra-state aquati						-				
TYPE OF DETERMINATION	N:				Pro	eliminary 🔲	Or Appro	oved 🛚		
OPITIONAL ADDITIONAL rationale used to determine N connections; and paragraph	JD, includ	ding infor	mation r	eviewed t	o assess pot	ential navigat				

U.S. Army Corps of Engineers, Chicago District

APPLICANT: Jim Scarnegie PROJECT LOCATION/WATERWAY: 1119 Thatcher Trail, West Dundee, Kane County, Illinois (NW 1/4 of Section 21, T42N R8E) FILE NUMBER: 200600440 (LRC-2006-14180) PROJECT REVIEW COMPLETED: M Office Field Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2) Based on available information: There are no waters on the project site. There are non-jurisdictional waters on the project site. There are waters of the United States on the project site. There are both waters of the United States and non-jurisdictional waters on the project site. **Basis of Jurisdictional Determination:** There are no jurisdictional waters of the United States present on the project site. The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1)) The presence of interstate waters (including interstate wetlands¹). (33 CFR 328.3 (a)(2)) The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5)) The presence of wetlands adjacent² (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7)) The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds). Other: ☐ Section 10 waterway. Information Reviewed ☑ U. S. Fish and Wildlife Service National Wetland Inventory: ELGIN. U. S. Geological Survey Hydrologic Atlas: ELGIN, HA 147. USDA Natural Resources Conservation Service Soil Survey for Kane County. U. S. Geological Survey 7.5 Minute Topographic Maps: ELGIN, 1992. U. S. Geological Survey 7.5 Minute Historic Quadrangles: U. S. Geological Survey 15 Minute Historic Quadrangles: Aerial Photographs (Name & Date): DigiAir 2002 & 2004 Advanced Identification Wetland Maps: Site Visit Conducted on: February 7, 2006 by Jaimee Hammit and Kim Fisher of the USACE, Chicago District Other information: Rationale for Basis (applies to any boxes checked above): The on-site channel drops into the stormsewer system and is not traceable to a navigable waterway. The closest stream is approximately 3/4 mile away and there is no way of proving the channel connects to a navigable waterway and what path it takes exactly. Therefore, the on-site channel is not under the jurisdiction of the U.S. Army Corps of Engineers. Lateral Extent of Jurisdiction (33 CFR 328 and 329): Ordinary High Water Mark indicated by: clear, natural line impressed on the bank destruction of terrestrial vegetation the presence of litter and debris shelving changes in the character of soils other: wetland boundary **Basis for Declining Jurisdiction:** ☐ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7) Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria Area under consideration is <u>not</u> likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale] Confirmation of Wetland Boundaries This office concurs with your wetland delineation report dated prepared by This office does not confirm your wetland boundary. Recommended by: Approved by:

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

² Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

Date: 05/22/06

In the office

At the project site

(Y/N)

Date: 05/22/06

(Y/N) Date: 02/07/06

Jaimee Hammit

DISTRICT OFFICE: Chicago

FILE NUMBER: 200600440 (LRC-2006-14180)

PROJECT REVIEW/DETERMINATION COMPLETED:

REGULATORY PROJECT MANAGER:

DDO IFCT LOCATION INFORMATION.

State: County: Center coordinates of Approximate size of Name of waterway of SITE CONDITIONS:	f site by l site/prope	atitude & erty (inclı				Illino Kane Lat: 4 0.25 a Fox R	42-6-37, Lon:	88-18-30			
Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 a	c 10-25	ac 25-50 ac	> 50 ac	Linear feet	Unknown		
Lake											
River											
Stream	\boxtimes										
Dry Wash											
Mudflat											
Sandflat											
Wetlands											
Slough											
Prairie pothole											
Wet meadow											
Playa lake											
Vernal pool											
Natural pond											
Other water (identify type)											
¹ Check appropriate boxes that bes jurisdictional aquatic resource are		type of iso	lated, non	-navigab	le, intra-state	water present	and best estim	ate for size o	f non-		
Migratory Bird Rule Factors¹:				If Know	n	If Unknown Use Best Pro	known est Professional Judgment				
				Yes	No	Predicted to Occur	Not Expected Occur		Able To Make etermination		
Is or would be used as habitat for Migratory Bird Treaties?	birds prot	ected by									
Is or would be used as habitat by coross state lines?	other migr	atory bird	s that								
Is or would be used as habitat for											
Is used to irrigate crops sold in int											
¹ Check appropriate boxes that bes non-navigable, intra-state aquatic	st describe resource a	potential f irea.	or applica	bility of	the Migrator	y Bird Rule to	apply to onsite,	non-jurisdie	ctional, isolated,		
TYPE OF DETERMINATION	TYPE OF DETERMINATION: Preliminary ☐ Or Approved ⊠										
OPITIONAL ADDITIONAL	INFORM	ATION S	SUPPOR	TING N	JD (e.g., pa	ragraph 1 – s	ite conditions	; paragrap	hs 2-3 –		

rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce

connections; and paragraph 4 - site information on waters of the U.S. occurring onsite):

U.S. Army Corps of Engineers, Chicago District

APPLICANT: Maple Park Partnership PROJECT LOCATION/WATERWAY: 113-acre parcel located north of the Chicago and Northwestern Railroad, south of Thatcher Road and east of County Line Road in Maple Park, Kane County, Illinois (Sections 29, 30 and 32, T40N R6E) FILE NUMBER: 200600404 (LRC-2006-14163) PROJECT REVIEW COMPLETED: ☒ Office ☐ Field Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2) Based on available information: There are no waters on the project site. There are non-jurisdictional waters on the project site. There are waters of the United States on the project site. There are both waters of the United States and non-jurisdictional waters on the project site. **Basis of Jurisdictional Determination:** There are no jurisdictional waters of the United States present on the project site. The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1)) The presence of interstate waters (including interstate wetlands¹). (33 CFR 328.3 (a)(2)) The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5)) The presence of wetlands adjacent² (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7)) The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds). Other: Section 10 waterway. Information Reviewed U. S. Fish and Wildlife Service National Wetland Inventory: MAPLE PARK. U. S. Geological Survey Hydrologic Atlas: □ USDA Natural Resources Conservation Service Soil Survey for Kane County. U. S. Geological Survey 7.5 Minute Topographic Maps: MAPLE PARK, 1975. U. S. Geological Survey 7.5 Minute Historic Quadrangles: U. S. Geological Survey 15 Minute Historic Quadrangles: Aerial Photographs (Name & Date): No source or date Advanced Identification Wetland Maps: KANE COUNTY Site Visit Conducted on: Other information: The Wetland Delineation Report, dated February 1, 2006, prepared by Atwell-Hicks, LLC Rationale for Basis (applies to any boxes checked above): The on-site wetland, designated as Farmed Wetland 1 by Atwell-Hicks, does not have a surface water tributary system connection and is isolated. Therefore, Farmed Wetland 1 is not under the jurisdiction of the U.S. Army Corps of Engineers. Lateral Extent of Jurisdiction (33 CFR 328 and 329): Ordinary High Water Mark indicated by: clear, natural line impressed on the bank destruction of terrestrial vegetation the presence of litter and debris shelving changes in the character of soils other: wetland boundary **Basis for Declining Jurisdiction:** ☐ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7) Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale] **Confirmation of Wetland Boundaries** This office concurs with your wetland delineation report dated , prepared by This office does not confirm your wetland boundary. Recommended by: Approved by:

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

² Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

REGULATORY PROJECT	MANAGE	R: Ja	imee Han	nmit	Date:	05/22/06			
PROJECT REVIEW/DETI			PLETED	•	the office roject site	(Y/N) (Y/N)	Date: 05/2	22/06	
State:	rukmain	OIN:				Illinois			
County:						Kane			
Center coordinate	s of site by l	atitude &	longitudi	inal coordi	nates:		54-44, Lon	88-35-5	
Approximate size						113 acre			
Name of waterway					,.		itch No. 2		
SITE CONDITIONS:									
Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									
	_								

Migratory Bird Rule Factors¹:	If Know	'n	If Unknown Use Best Professional Judgment					
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination			
Is or would be used as habitat for birds protected by Migratory Bird Treatles?								
Is or would be used as habitat by other migratory birds that cross state lines?								
Is or would be used as habitat for endangered species?								
Is used to irrigate crops sold in interstate commerce?								
¹ Check appropriate boxes that best describe potential for appl non-navigable, intra-state aquatic resource area.	icability of	the Migrat	ory Bird Rule to	apply to onsite, non-	jurisdictional, isolated,			

TYPE OF DETERMINATION:

jurisdictional aquatic resource area.

DISTRICT OFFICE: Chicago FILE NUMBER: 200600404

OPITIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce

Preliminary ☐ Or Approved ⊠

connections; and paragraph 4 - site information on waters of the U.S. occurring onsite):

U.S. Army Corps of Engineers, Chicago District

APPLICANT: Leo Dombrowski PROJECT LOCATION/WATERWAY: 1.92-Acre Property Southeast of Armory Drive and La Salle in Thorton, Cook County, Illinois (Section 28, T36N, R14E). FILE NUMBER: LRC-2006-521 PROJECT REVIEW COMPLETED: ☐ Office ☐ Field Approved Jurisdictional Determination (JD) (For Sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2) Based on available information: There are no waters on the project site. ☐ There are non-jurisdictional waters on the project site. There are waters of the United States on the project site. There are both waters of the United States and non-jurisdictional waters on the project site. **Basis of Jurisdictional Determination:** There are no jurisdictional waters of the United States present on the project site. The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1)) The presence of interstate waters (including interstate wetlands¹). (33 CFR 328.3 (a)(2)) The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5)) The presence of wetlands adjacent² (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7)) The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds). Other: Section 10 waterway. Information Reviewed U. S. Fish and Wildlife Service National Wetland Inventory: CALUMET CITY. U. S. Geological Survey Hydrologic Atlas: USDA Natural Resources Conservation Service Soil Survey for Cook County. U. S. Geological Survey 7.5 Minute Topographic Maps: CALUMET CITY, 1991. U. S. Geological Survey 7.5 Minute Historic Quadrangles: U. S. Geological Survey 15 Minute Historic Quadrangles: Aerials (Name & Date):Cook County 1998 Advanced Identification Wetland Maps: Site Visit Conducted on: 16 May 2006 Other information: Rationale for Basis (applies to any boxes checked above): Three wetlands on the property did not appear to exhibit a surface water connection to navigable waters and are not under jurisdiction of this office. Lateral Extent of Jurisdiction (33 CFR 328 and 329): Ordinary High Water Mark indicated by: clear, natural line impressed on the bank destruction of terrestrial vegetation the presence of litter and debris shelving changes in the character of soil other: wetland boundary **Basis for Declining Jurisdiction:** Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7) Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale] Confirmation of Wetland Boundaries This office concurs with your wetland delineation report dated , prepared by This office does not confirm your wetland boundary. Date: Date: Approved by: Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary

from methods described in the Corps Wetland Delineation Manual (1987).

Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

FILE NUMBER: LRC-200	6-521								
REGULATORY PROJECT	MANAGE	R: S	teve Gagn	ion	Dat	te: 22 May 20	006		
PROJECT REVIEW/DETE			IPLETEI		n the office project site	(Y/N) Y (Y/N)		1ay 2006	
PROJECT LOCATION INITIAL State: County: Center coordinates Approximate size of Name of waterway SITE CONDITIONS:	s of site by l	atitude &				Illinois Cook 41.585 1.92 Calume	5926392; - 87.	621668742	1
Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat		† 	TT	† <u> </u>	一百一				16
Wetlands		T T	T	16		15			T
Slough		而	T而一	TĒ	16				
Prairie pothole		T	T	T T	一百一				
Wet meadow		15	一	10					15
Playa lake		<u>†</u>	1百一	† 	TH	17	15		16
Vernal pool		T T	$\top \Box =$	T	一百一				Ti
Natural pond		†Ħ	tin –	16	16	一百	Th		16
Other water (identify type)	_								
¹ Check appropriate boxes that jurisdictional aquatic resource		type of iso	olated, non	-navigable,	, intra-state v	water present	and best estima	te for size o	f non-
Migratory Bird Rule Factors ¹ :			- 1	If Known	14.		essional Judgn		
		عدد والف	1. 1	Yes	No	Predicted to Occur	Not Expected Occur		Able To Make etermination
Is or would be used as habitat f Migratory Bird Treaties?	or birds prot	ected by							

TYPE OF DETERMINATION:

cross state lines?

Is or would be used as habitat by other migratory birds that

Is or would be used as habitat for endangered species?

Is used to irrigate crops sold in interstate commerce?

non-navigable, intra-state aquatic resource area.

Preliminary Or Approved 🛛

OPITIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

 \boxtimes

F

Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated,

U.S. Army Corps of Engineers, Chicago District

APPLICANT: Village of Montgomery PROJECT LOCATION/WATERWAY: SW 1/4 of Section 30, T38N R8E) FILE NUMBER: 200600335 (LRC-2006-14102) PROJECT REVIEW COMPLETED: ☑ Office ☐ Field Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2) Based on available information: There are no waters on the project site. There are non-jurisdictional waters on the project site. There are waters of the United States on the project site. There are both waters of the United States and non-jurisdictional waters on the project site. **Basis of Jurisdictional Determination:** There are no jurisdictional waters of the United States present on the project site. The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1)) The presence of interstate waters (including interstate wetlands¹). (33 CFR 328.3 (a)(2)) The presence of a tributary to an interstate water or other water of the US, (33 CFR 328.3 (a)(5)) The presence of wetlands adjacent² (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7)) The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds). Other: Stormwater basins are not typically regulated by the Chicago District. The basin does not have a surface water tributary system connection anyway. Section 10 waterway. Information Reviewed U. S. Fish and Wildlife Service National Wetland Inventory: U. S. Geological Survey Hydrologic Atlas: USDA Natural Resources Conservation Service Soil Survey for Kane County. U. S. Geological Survey 7.5 Minute Topographic Maps: AURORA SOUTH, 1993. U. S. Geological Survey 7.5 Minute Historic Quadrangles: U. S. Geological Survey 15 Minute Historic Quadrangles: Aerial Photographs (Name & Date): 1939, 1954, 1961, 1967, 1974, 1988, and 1993 Advanced Identification Wetland Maps: Site Visit Conducted on: Other information: Rationale for Basis (applies to any boxes checked above): The basin does not have a surface water tributary system connection and stormwater basins aren't typically regulated by the Chicago District anyway. Lateral Extent of Jurisdiction (33 CFR 328 and 329): Ordinary High Water Mark indicated by: clear, natural line impressed on the bank destruction of terrestrial vegetation the presence of litter and debris shelving changes in the character of soils wetland boundary **Basis for Declining Jurisdiction:** ☐ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7) Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale] Confirmation of Wetland Boundaries This office concurs with your wetland delineation report dated prepared by This office does not confirm your wetland boundary. Recommended by: Approved by: Date:

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

² Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Chicago FILE NUMBER: 200600335	LRC-200	6-14102)											
REGULATORY PROJECT M	1ANAGE	R: Ja	imee H	ammit		D	ate: ()5/26/06					
PROJECT REVIEW/DETER			PLETE		In th	e offic ject si	-	(Y/N (Y/N	,	te: 05/26/0 te:	16		
PROJECT LOCATION INFO State: County: Center coordinates of Approximate size of s Name of waterway of SITE CONDITIONS:	f site by l site/prope	atitude & erty (inclı						< 10 a	41-44-3	6, Lon: 88			
Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-1	0 ac	10-25	ac	25-50 a	c > 5		inear eet	Unk	nown
Lake	П	\Box		$\neg \Box$									
River	Ħ	Ħ	H	一片		Ħ		Ħ				十一	
Stream	H	+=	H	ᅥ片		H		H	ᅮ			ᆂ	
Dry Wash	H	H	H	ᅥ片		H		H	ᅥ片			ᆂ	
Mudflat	H	H	H	ᅥ片		H		H	ᅱ片			+片	
Sandflat	H	+=	H	ᅥ片		Ħ		H	ᅱ片			ᆂ	
Wetlands	++	+=	H	\dashv		\dashv		H	\dashv \dashv			+	
Slough	++	++	 	\dashv \dashv		屵		\dashv	$\dashv \dashv$			ᆉ	
Prairie pothole	H	H	++	ᆉ		+		H	\dashv 님			+片	
Wet meadow	 	+∺-	++	ᆛ片		屵		- H	$\dashv \dashv$			┼┼	
	 - 	 	 -	ᆛ님		౼		Н_				+#	
Playa lake		+⊢	 	ᆛ님		<u> </u>		Ц—				+#	
Vernal pool	14_	┼	├ └	\dashv \dashv		닏		Ц_				부	
Natural pond	-	├ └	↓	\dashv \vdash		<u> </u>		Ц_				╀분	
Other water (identify type) stormwater basin						Ш							
¹ Check appropriate boxes that bes jurisdictional aquatic resource are		type of iso	lated, no	n-navig	gable, int	ra-stat	e wate	r present	and bes	t estimate f	or size of	non-	
Migratory Bird Rule Factors ¹ :				If Kn	own			Inknown		l Judgmen	•		
				Yes	No		Pre	dicted Occur	Not E	xpected to Occur	Not A	Able T	o Make ation
Is or would be used as habitat for Migratory Bird Treaties?	birds prot	ected by							M				
Is or would be used as habitat by coross state lines?	other migr	atory bird	s that										
Is or would be used as habitat for													
Is used to irrigate crops sold in int													
¹ Check appropriate boxes that bes non-navigable, intra-state aquatic	t describe resource a	potential f irea.	or appli	cability	of the M	igrator	y Biro	i Rule to	apply to	onsite, non	ı-jurisdict	ional,	isolated,
TYPE OF DETERMINATION	N:					P	relim	inary [Or	Approved	I 🛛		
OPITIONAL ADDITIONAL I rationale used to determine Notice connections; and paragraph 4	JD, inclu	ding infor	mation	review	ved to as	sess p	otenti	ial navig					-

U.S. Army Corps of Engineers, Chicago District

APPLICANT: Provena Mercy Medical Center PROJECT LOCATION/WATERWAY: South of Sullivan Road and west of Route 31, Aurora, Kane County, Illinois (SE 1/4 of Section 9, T38N R8E) FILE NUMBER: 200600406 (LRC-2006-14164) PROJECT REVIEW COMPLETED: ⊠ Office ⊠ Field Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2) Based on available information: There are no waters on the project site. There are non-jurisdictional waters on the project site. There are waters of the United States on the project site. There are both waters of the United States and non-jurisdictional waters on the project site. **Basis of Jurisdictional Determination:** There are no jurisdictional waters of the United States present on the project site. The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1)) The presence of interstate waters (including interstate wetlands), (33 CFR 328.3 (a)(2)) The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5)) The presence of wetlands adjacent² (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7)) The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds). Other: Detention basin Section 10 waterway. Information Reviewed U. S. Fish and Wildlife Service National Wetland Inventory: AURORA NORTH. U. S. Geological Survey Hydrologic Atlas: ☑ USDA Natural Resources Conservation Service Soil Survey for Kane County. U. S. Geological Survey 7.5 Minute Topographic Maps: AURORA NORTH, 1993. U. S. Geological Survey 7.5 Minute Historic Quadrangles: U. S. Geological Survey 15 Minute Historic Quadrangles: Aerial Photographs (Name & Date): no date or source Advanced Identification Wetland Maps: KANE COUNTY Site Visit Conducted on: May 25, 2006 by Jaimee W. Hammit of the USACE, Chicago District Other information: Rationale for Basis (applies to any boxes checked above): The detention pond on site does have a surface water tributary system connection to the Fox River. However, it is still being maintained as a detention area and the Chicago District does not typically regulate detention ponds that are still being maintained as such. Lateral Extent of Jurisdiction (33 CFR 328 and 329): Ordinary High Water Mark indicated by: clear, natural line impressed on the bank destruction of terrestrial vegetation the presence of litter and debris shelving changes in the character of soils other: wetland boundary **Basis for Declining Jurisdiction:** Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7) Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale] Confirmation of Wetland Boundaries This office concurs with your wetland delineation report dated , prepared by This office does not confirm your wetland boundary. Recommended by:

Date:

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

² Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Chicago FILE NUMBER: 200600406	(LRC-200	6-14164)							
REGULATORY PROJECT N	MANAGE	R: Ja	imee H	ammit	1	Date: 05/26/06			
PROJECT REVIEW/DETER	MINATIO	ON COM	PLETE		In the offi	(•		
PROJECT LOCATION INFO State: County: Center coordinates of Approximate size of Name of waterway of SITE CONDITIONS:	of site by la site/prope	atitude & erty (inclu		ıdinal co	ordinates:	Illino Kane	is 41-47-18, Lon: 8		
Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 a	ic 10-2	5 ac 25-50 a	e > 50 ac	Linear feet	Unknown
Lake	\Box		П						
River	TH	Ħ	Ħ		Ħ	一一百	TH T		Ħ
Stream	16	Ħ	Ħ	The second	Ħ				Ħ
Dry Wash	TH	Ħ	ī						Ħ
Mudflat	T			一百	TH		Th		Ħ
Sandflat	16	Ī		一百					ī
Wetlands	16	T	Ħ						ī
Slough									
Prairie pothole		Ħ	П	TH	TH				i ii
Wet meadow		I				15			ī
Playa lake	TH -	Ħ	Ħ	一百	一百				Ħ
Vernal pool	† Fi	t H	H	TH	一百				i Fi
Natural pond	17	Ħ	ī	ī					i ii —
Other water (identify type) Detention pond									
¹ Check appropriate boxes that be jurisdictional aquatic resource ar		type of iso	lated, no	on-navigat	ole, intra-sta	te water present	and best estimate	for size of	non-
Migratory Bird Rule Factors ¹ :				If Know	'n	If Unknown Use Best Pro	ofessional Judgme	nt	
				Yes	No	Predicted to Occur	Not Expected to Occur		ble To Make ermination
Is or would be used as habitat for Migratory Bird Treaties?	birds prote	ected by							
Is or would be used as habitat by cross state lines?	other migr	atory birds	that				×		
Is or would be used as habitat for	endangere	d species?							
Is used to irrigate crops sold in in	terstate cor	nmerce?							
Check appropriate boxes that be non-navigable, intra-state aquation			or appli	cability of	the Migrato	ry Bird Rule to	apply to onsite, no	n-jurisdicti	ional, isolated,
TYPE OF DETERMINATIO	N:				!	Preliminary [Or Approve	ed 🛭	
OPITIONAL ADDITIONAL rationale used to determine N connections; and paragraph 4	JD, includ	ling infor	mation	reviewed	l to assess j	otential navig			

U.S. Army Corps of Engineers, Chicago District

APPLICANT: West Suburban Bank Trust No. 2580, c/o Oliver Hoffman Corporation PROJECT LOCATION/WATERWAY: 29.5-acre parcel located south of Foxfield Road in St. Charles, Kane County, Illinois (NW 1/4 of Section 25, T40N R8E) FILE NUMBER: 200600402 (LRC-2006-23493) PROJECT REVIEW COMPLETED: ☑ Office ☐ Field Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2) Based on available information: There are no waters on the project site. ☑ There are non-jurisdictional waters on the project site. ☐ There are waters of the United States on the project site. There are both waters of the United States and non-jurisdictional waters on the project site. Basis of Jurisdictional Determination: There are no jurisdictional waters of the United States present on the project site. The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1)) The presence of interstate waters (including interstate wetlands). (33 CFR 328.3 (a)(2))

The presence of a tributary to an interstate The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5)) The presence of wetlands adjacent² (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7)) The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds). Other: Section 10 waterway. Information Reviewed U. S. Fish and Wildlife Service National Wetland Inventory: GENEVA. U. S. Geological Survey Hydrologic Atlas: GENEVA, HA 142. ☐ USDA Natural Resources Conservation Service Soil Survey for Kane County. U. S. Geological Survey 7.5 Minute Topographic Maps: GENEVA, 1993. U. S. Geological Survey 7.5 Minute Historic Quadrangles: U. S. Geological Survey 15 Minute Historic Quadrangles: Aerial Photographs (Name & Date): no source or date Advanced Identification Wetland Maps: KANE COUNTY Site Visit Conducted on: Other information: The Wetland Delineation Report, dated January 31, 2006, prepared by Atwell-Hicks, LLC Rationale for Basis (applies to any boxes checked above): The two on-site wetlands, identified as Wetland A and Wetland B by Atwell-Hicks, do not have a surface water tributary system connection and are isolated. Therefore, Wetlands A and B are not under the jurisdiction of the U.S. Army Corps of Engineers. Lateral Extent of Jurisdiction (33 CFR 328 and 329): Ordinary High Water Mark indicated by: destruction of terrestrial vegetation clear, natural line impressed on the bank the presence of litter and debris shelving changes in the character of soils other: wetland boundary **Basis for Declining Jurisdiction:** ☐ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7) Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale] **Confirmation of Wetland Boundaries** This office concurs with your wetland delineation report dated , prepared by This office does not confirm your wetland boundary. Recommended by: Date: Approved by: _

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

² Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

Date: 05/30/06

Jaimee Hammit

PROJECT REVIEW/DETI	JECT REVIEW/DETERMINATION COMPLETED: In the office At the project site								
PROJECT LOCATION IN	FORMATI	ON:		At the p	oject site	(Y/N)	Date:		
State:						Illinois			
County:						Kane			
Center coordinate						Lat: 41-	-55-39, Lon	88-15-51	
Approximate size			uding upl	ands & in a	cres):	29.5 acr			
Name of waterway	y or watersh	ed:				Fox Riv	er		
SITE CONDITIONS:									
Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear	Unknown
								feet	
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands		\boxtimes							
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
ernal pool									
Natural pond									
Other water (identify type)									
	_								
						1			
Check appropriate boxes that		type of iso	lated, non-	-navigable, i	ntra-state wat	er present ar	nd best estim	ate for size of	non-
jurisdictional aquatic resource	area.								

Migratory Bird Rule Factors':	If Know	n	If Unknown				
			Use Best Pro	Use Best Professional Judgment			
	Yes	No	Predicted	Not Expected to	Not Able To Make		
			to Occur	Occur	Determination		
Is or would be used as habitat for birds protected by							
Migratory Bird Treaties?							
Is or would be used as habitat by other migratory birds that							
cross state lines?							
Is or would be used as habitat for endangered species?							
Is used to irrigate crops sold in interstate commerce?				X			
¹ Check appropriate boxes that best describe potential for appl	icability of	the Migrato	ry Bird Rule to	apply to onsite, non-	jurisdictional, isolated,		
non-navigable, intra-state aquatic resource area.	·						

Preliminary ☐ Or Approved ⊠

TYPE OF DETERMINATION:

DISTRICT OFFICE: Chicago

FILE NUMBER: 200600402 (LRC-2006-23493)

REGULATORY PROJECT MANAGER:

OPITIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

U.S. Army Corps of Engineers, Chicago District

APPLICANT: Kenar, LLC PROJECT LOCATION/WATERWAY: Autumn Woods Property Located North Of Golf Road In Hoffman Estates, Cook County, Illinois (Section 8, T41N, R9E) PROJECT REVIEW COMPLETED:
Office Field FILE NUMBER: LRC-2006-672 Approved Jurisdictional Determination (JD) (For Sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2) Based on available information: There are no waters on the project site. There are non-jurisdictional waters on the project site. There are waters of the United States on the project site. There are both waters of the United States and non-jurisdictional waters on the project site. Basis of Jurisdictional Determination: There are no jurisdictional waters of the United States present on the project site. The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1)) The presence of interstate waters (including interstate wetlands¹). (33 CFR 328.3 (a)(2)) The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5)) The presence of wetlands adjacent² (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7)) The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds). Other: Section 10 waterway. Information Reviewed U. S. Fish and Wildlife Service National Wetland Inventory: U. S. Geological Survey Hydrologic Atlas: USDA Natural Resources Conservation Service Soil Survey for Cook County. U. S. Geological Survey 7.5 Minute Topographic Maps: U. S. Geological Survey 7.5 Minute Historic Quadrangles: U. S. Geological Survey 15 Minute Historic Quadrangles: Aerials (Name & Date): Advanced Identification Wetland Maps: Site Visit Conducted on: May 2, 2006 Other information: Rationale for Basis (applies to any boxes checked above): The wetlands referenced as W-1 and Waters of the U.S. - 1 in your delineation report are under the jurisdiction of this office due to their hydrologic connection to the Fox River, a navigable water. Wetland W-2 is considered isolated and is therefore not regulated by this office. Lateral Extent of Jurisdiction (33 CFR 328 and 329): Ordinary High Water Mark indicated by: clear, natural line impressed on the bank destruction of terrestrial vegetation the presence of litter and debris shelving changes in the character of soil other: wetland boundary **Basis for Declining Jurisdiction:** ☐ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7) Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria Area under consideration is not likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale] Confirmation of Wetland Boundaries This office concurs with your wetland delineation report dated March 21, 2006, prepared by Raisanen & Associates, This office does not confirm your wetland boundary. Recommended by: Approved by: . Date: Wetlands are identified and company in the methods and criteria established in the Corps Wetland Delineation Man; al (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

² Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

Date: May 31, 2006

Paul Leffler

DISTRICT OFFICE: Chicago

REGULATORY PROJECT MANAGER:

FILE NUMBER:

PROJECT LOCATION INF State: County: Center coordinates Approximate size of Name of waterway SITE CONDITIONS:	of site by l f site/prope	atitude & erty (inclu		inal coordi	nates:	Illinois Cook 42.047 2 40	Date: May 31 2373816 -88 ver Watershed	.234652934	1 7
Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake								1000	
River									
Stream									16
Dry Wash									
Mudflat	一百	Ħ	T T	T T	16	 - - - - - - - - -	1 <u>7</u>		TH
Sandflat	16	Ħ	Ħ	16	十一	15	十百		1 <u> </u>
Wetlands	17	Ħ	×	T T	十一	1 5	TH-		17
Slough	 - - - - - - - - -	ĦĦ	H	t H —	 - - - - - - - - -	18-	18		18
Prairie pothole	$\dashv \exists$	╁┼	H	 	 - - 	17	18		
Wet meadow	$+$ $\overline{+}$ $-$	H	H	t H	18		 		ᅥ片
Playa lake	 - - - - - - - - -	H	H	H	 - - - - - - - - -	+=-			†
Vernal pool	 - - - - - - - - -	H	H	H	+=		 	<u> </u>	†H
Natural pond	++-	 - - - - 	 	+ $+$ $-$	+ H	+=-	+=-		 - -
Other water (identify type)			H						
¹ Check appropriate boxes that b jurisdictional aquatic resource a		type of iso	lated, non	-navigable, i	ntra-state wa	iter present a	nd best estima	te for size o	f non-
Migratory Bird Rule Factors ¹ :				If Known	_	f Unknown Ise Best Profe	essional Judgm	ent	
					No P	redicted o Occur	Not Expected Occur	to Not	Able To Make etermination
Is or would be used as habitat fo Migratory Bird Treaties?		•			_	₫			
Is or would be used as habitat by cross state lines?			that			3			
Is or would be used as habitat fo								\boxtimes	
Is used to irrigate crops sold in i ¹ Check appropriate boxes that b non-navigable, intra-state aquat	est describe	potential f	or applica	bility of the	Migratory B	ird Rule to a	oply to onsite,	⊠ non-jurisdic	ctional, isolated,
TYPE OF DETERMINATIONAL ADDITIONAL rationale used to determine !	INFORM				(e.g., parag		e conditions;	paragrap	

connections; and paragraph 4 - site information on waters of the U.S. occurring onsite):

U.S. Army Corps of Engineers, Chicago District

APPLICANT: Dan Porter PROJECT LOCATION/WATERWAY: Lake County
FILE NUMBER: LRC-2006-731 PROJECT REVIEW COMPLETED: ☑ Office ☐ Field
Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2) Based on available information: There are no waters on the project site. There are non-jurisdictional waters on the project site. There are waters of the United States on the project site. There are both waters of the United States and non-jurisdictional waters on the project site.
Basis of Jurisdictional Determination:
There are no jurisdictional waters of the United States present on the project site. The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1)) The presence of interstate waters (including interstate wetlands¹). (33 CFR 328.3 (a)(2)) The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5)) The presence of wetlands adjacent² (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7)) The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds). Other: Section 10 waterway.
Information Reviewed U. S. Fish and Wildlife Service National Wetland Inventory:
U. S. Geological Survey Hydrologic Atlas: ZION, HA 233. USDA Natural Resources Conservation Service Soil Survey for Lake County. U. S. Geological Survey 7.5 Minute Topographic Maps: ZION, 1993. U. S. Geological Survey 7.5 Minute Historic Quadrangles: U. S. Geological Survey 15 Minute Historic Quadrangles: Aerials (Name & Date):2005 Advanced Identification Wetland Maps: LAKE COUNTY. Site Visit Conducted on: Other information: FEMA FIRM map, Lake Couty Wetland Survey
Rationale for Basis (applies to any boxes checked above): A wetland exists on your property, however it does not exhibit a surface water connection to a navigable waterway, and is therefore not subject to Department of the Army regulations.
Lateral Extent of Jurisdiction (33 CFR 328 and 329): Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil wetland boundary destruction of terrestrial vegetation shelving other
Basis for Declining Jurisdiction:
 ✓ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7) ✓ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria ✓ Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]
Confirmation of Wetland Boundaries ☐ This office concurs with your wetland delineation report dated ☐ This office does not confirm your wetland boundary ☐ This office does not confirm your wetland boundary
Recommended by:
Approved by: Date:
Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary

^{&#}x27;Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

² Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Chic FILE NUMBER: LRC -20								
REGULATORY PROJEC	T MANAGEI	R: K	imberly F	isher	Date:	5/26/2006		
PROJECT REVIEW/DET	ERMINATIO	N COM	IPLETED		the office Y	(Y/N) (Y/N)	Date: 5/26	5/2006
PROJECT LOCATION IN State: County: Center coordinat Approximate size Name of waterwa SITE CONDITIONS:	es of site by la e of site/proper	ititude & rty (inclu				Illinois Lake 42.4922 87.8304 Lake Mi	35	
Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet
Lake								

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	\boxtimes								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									
¹ Check appropriate boxes that b	est describe	type of iso	lated non	novigable i	ntro-state wat	er precent an	d heet estima	ate for size of	non

'Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors¹:	If Knov	vn		If Unknown Use Best Professional Judgment					
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination				
Is or would be used as habitat for birds protected by Migratory Bird Treaties?									
Is or would be used as habitat by other migratory birds that cross state lines?									
Is or would be used as habitat for endangered species?									
Is used to irrigate crops sold in interstate commerce?									
¹ Check appropriate boxes that best describe potential for appl non-navigable, intra-state aquatic resource area.	icability of	the Migrat	ory Bird Rule to	apply to onsite, non-	jurisdictional, isolated,				

TYPE OF DETERMINATION:

Preliminary 🗌 Or Approved 🛛

OPITIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

U.S. Army Corps of Engineers, Chicago District

APPLICANT: Nilax Patel PROJECT LOCATION/WATERWAY: Lake County
FILE NUMBER: LRC-2006-732 PROJECT REVIEW COMPLETED: ☑ Office ☐ Field
Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2) Based on available information: There are no waters on the project site. There are non-jurisdictional waters on the project site. There are waters of the United States on the project site. There are both waters of the United States and non-jurisdictional waters on the project site. Basis of Jurisdictional Determination:
There are no jurisdictional waters of the United States present on the project site. The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1)) The presence of interstate waters (including interstate wetlands¹). (33 CFR 328.3 (a)(2)) The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5)) The presence of wetlands adjacent² (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7)) The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds). Other: Section 10 waterway.
Information Reviewed
U. S. Fish and Wildlife Service National Wetland Inventory: U. S. Geological Survey Hydrologic Atlas: ZION, HA 233. USDA Natural Resources Conservation Service Soil Survey for Lake County. U. S. Geological Survey 7.5 Minute Topographic Maps: ZION, 1993. U. S. Geological Survey 7.5 Minute Historic Quadrangles: U. S. Geological Survey 15 Minute Historic Quadrangles: Aerials (Name & Date):2005 Advanced Identification Wetland Maps: LAKE COUNTY. Site Visit Conducted on: Other information: FEMA FIRM map, Lake Couty Wetland Survey Rationale for Basis (applies to any boxes checked above): A wetland exists on the western portion of you property, however it does not exhibit a surface water connection to a navigable waterway, and is therefore not subject to Department of the Army regulations.
T. 4
Lateral Extent of Jurisdiction (33 CFR 328 and 329): Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil wetland boundary Lateral Extent of Jurisdiction (33 CFR 328 and 329): destruction of terrestrial vegetation shelving other
Basis for Declining Jurisdiction:
Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7) Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]
Confirmation of Wetland Boundaries ☐ This office concurs with your wetland delineation report dated ☐ This office does not confirm your wetland boundary ☐ This office does not confirm your wetland boundary
Recommended by: Date:
Date: Date:
¹ Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e.,
occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

² Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Chicago FILE NUMBER: LRC -2006-7	' 32								
REGULATORY PROJECT M	ANAGE	R: K	imberly Fi	sher	Date:	5/26/2006			
PROJECT REVIEW/DETERM PROJECT LOCATION INFO State: County: Center coordinates of Approximate size of s Name of waterway or SITE CONDITIONS:	RMATION Site by I	ON: atitude & erty (incli	: longitudi	At the p		(Y/N) (Y/N) Illinois Lake 42.4610 87.8253 Lake Mi	15 70	6/2006	
Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	\boxtimes								
Slough									
Prairie pothole									
Wet meadow							T		15
Playa lake					16	16	T		16

Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Knov	vn	If Unknown Use Best Professional Judgment				
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination		
Is or would be used as habitat for birds protected by Migratory Bird Treaties?							
Is or would be used as habitat by other migratory birds that cross state lines?							
Is or would be used as habitat for endangered species?							
Is used to irrigate crops sold in interstate commerce?				\boxtimes			
¹ Check appropriate boxes that best describe potential for appl non-navigable, intra-state aquatic resource area.	icability o	f the Migrat	ory Bird Rule to	apply to onsite, non-	jurisdictional, isolated,		

Preliminary ☐ Or Approved ☒

TYPE OF DETERMINATION:

Vernal pool Natural pond

Other water (identify type)

OPITIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

U.S. Army Corps of Engineers, Chicago District

APPLICANT: Ed Perez PROJECT LOCATION/WATERWAY: Barrington Hills
FILE NUMBER: LRC-2006-616 PROJECT REVIEW COMPLETED: ☐ Office ☑ Field
Approved Jurisdictional Determination (JD)(For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2). Based on available information: There are no waters on the project site. There are non-jurisdictional waters on the project site. There are waters of the United States on the project site. There are both waters of the United States and non-jurisdictional waters on the project site.
Basis of Jurisdictional Determination:
 □ There are no jurisdictional waters of the United States present on the project site. □ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1)) □ The presence of interstate waters (including interstate wetlands¹). (33 CFR 328.3 (a)(2)) □ The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5)) □ The presence of wetlands adjacent² (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7)) □ The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds). □ Other: □ Section 10 waterway.
Information Reviewed
U. S. Fish and Wildlife Service National Wetland Inventory: U. S. Geological Survey Hydrologic Atlas: BARRINGTON, HA 150. USDA National Resources Conservation Service Soil Survey for McHenry County. U. S. Geological Survey 7.5 Minute Topographic Maps: BARRINGTON, 1993. U. S. Geological Survey 7.5 Minute Historic Quadrangles: U. S. Geological Survey 15 Minute Historic Quadrangles: Aerial Photographs (Name & Date): 2002, 2004 Advanced Identification Wetland Maps: MCHENRY COUNTY Site Visit Conducted on: Other information: FEMA FIRM map
Rationale for Basis (applies to any boxes checked above): Referencing the Wetalnd Delineation Report dated October 20, 2004, as prepared by DK Environmental, Wetland 1 is tributary to Spring Creek, which flows to the Fox River, a navigable waterway under Department of the Army jurisdiction. Wetland 2 is isolated and therefore not regulated by the Department of the Army.
Lateral Extent of Jurisdiction (33 CFR 328 and 329): Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil wetland boundary destruction of terrestrial vegetation shelving other:
Basis for Declining Jurisdiction:
 ✓ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7) ✓ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria ✓ Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]
Confirmation of Wetland Boundaries This office concurs with your wetland delineation report dated October 20, 2004, prepared by DK Environmental. This office does not confirm your wetland boundary
Recommended by: Date:
Recommended by: Date: 5/23/06 Approved by: Date: 5/24/C6 Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e.,

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

² Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Chica FILE NUMBER: LRC-2006									
REGULATORY PROJECT	MANAGER	k: Ka	ate Bliss		Date:	5/23/06			
PROJECT REVIEW/DETE	RMINATIO	N COM	PLETED		the office Y roject site	(Y/N) (Y/N)	Date: 5/2	3/06	
PROJECT LOCATION INI State: County: Center coordinates Approximate size of Name of waterway SITE CONDITIONS:	s of site by lat of site/proper	itude & ty (inclu		nal coordi	nates:	Illinois McHenr	у	2305914985	j
Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear	Unknown
Lake									
River		П	П						

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors¹:	If Known			If Unknown Use Best Professional Judgment				
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination			
Is or would be used as habitat for birds protected by Migratory Bird Treaties?								
Is or would be used as habitat by other migratory birds that cross state lines?								
Is or would be used as habitat for endangered species?								
Is used to irrigate crops sold in interstate commerce?								
¹ Check appropriate boxes that best describe potential for appl non-navigable, intra-state aquatic resource area.	icability of	the Migrat	ory Bird Rule to	apply to onsite, non-	jurisdictional, isolated			

TYPE OF DETERMINATION:

 \boxtimes

Stream
Dry Wash
Mudflat
Sandflat

Wetlands Slough Prairie pothole Wet meadow Playa lake Vernal pool

Natural pond

Other water (identify type)

Preliminary	□ Or	Approved	∇

OPITIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

U.S. Army Corps of Engineers, Chicago District

APPLICANT: Village of Grayslake PROJECT LOCATION/WATERWAY: The R.O.W. Of The Intersection Of Alleghany Road And IL Route 120 In Grayslake, Lake County, Illinois (Section 34, T45N, R10E)
FILE NUMBER: 200600431 PROJECT REVIEW COMPLETED: ☐ Office ☐ Field
Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2) Based on available information: There are no waters on the project site. There are non-jurisdictional waters on the project site. There are waters of the United States on the project site. There are both waters of the United States and non-jurisdictional waters on the project site.
Basis of Jurisdictional Determination:
There are no jurisdictional waters of the United States present on the project site. The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1)) The presence of interstate waters (including interstate wetlands¹). (33 CFR 328.3 (a)(2)) The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5)) The presence of wetlands adjacent² (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7)) The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds). Other: Section 10 waterway.
Information Reviewed
U. S. Fish and Wildlife Service National Wetland Inventory: U. S. Geological Survey Hydrologic Atlas: USDA Natural Resources Conservation Service Soil Survey for Lake County. U. S. Geological Survey 7.5 Minute Topographic Maps: U. S. Geological Survey 7.5 Minute Historic Quadrangles: U. S. Geological Survey 15 Minute Historic Quadrangles: Aerials (Name & Date): Advanced Identification Wetland Maps: Site Visit Conducted on: April 27, 2006 Other information:
Rationale for Basis (applies to any boxes checked above): Wetlands 1, 2, 3, and 4, as referenced in your report, do not have an identifiable hydrologic connection to navigable waters and are therefore not under the jurisdiction of this office.
Lateral Extent of Jurisdiction (33 CFR 328 and 329): Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil wetland boundary changes in the character of soil wetland boundary
Basis for Declining Jurisdiction:
 ✓ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7) ✓ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria ✓ Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]
Confirmation of Wetland Boundaries This office concurs with your wetland delineation report dated This office does not confirm your wetland boundary This office does not confirm your wetland boundary
Recommended by:
Approved by:Date:
Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e.,

occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

² Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

REGULATORY PROJECT MANAGER: Paul Leffler Da					Date:	te: 5/5/2006				
PROJECT REVIEW/DETE	RMINATI	ON COM	IPLETED:		the office roject site Y	(Y/N) D:		06		
PROJECT LOCATION INF State: County: Center coordinates Approximate size o Name of waterway SITE CONDITIONS:	of site by l	atitude & erty (incli		nal coordi	nates:	Illinois Lake 0.5ac Fox Rive		00		
Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Unkn	own	
Lake	П	П				П	П			
River	一百一	T		$\overline{\Box}$	T	T T	†Ħ			
Stream		18								
Dry Wash		†Ē	TE				T T			
Mudflat		†Ē								
Sandflat			TA	T	16					
Wetlands					17		17			
Slough	一百一			Ī			TĒ —			
Prairie pothole		ĦΠ		Ħ		16	THE T			
Wet meadow			1百一	Ī			1			
Playa lake			In				T T			
Vernal pool			T		Ti	TF	T			
Natural pond	一百一	T		T			1百一			
Other water (identify type)										

Migratory Bird Rule Factors ¹ :	If Knov	vn	If Unknown Use Best Professional Judgment				
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination		
Is or would be used as habitat for birds protected by Migratory Bird Treaties?							
Is or would be used as habitat by other migratory birds that cross state lines?							
Is or would be used as habitat for endangered species?							
Is used to irrigate crops sold in interstate commerce?							
¹ Check appropriate boxes that best describe potential for appl non-navigable, intra-state aquatic resource area.	icability o	f the Migrat	ory Bird Rule to	apply to onsite, non-	jurisdictional, isolated,		

TYPE OF DETERMINATION:

DISTRICT OFFICE: Chicago

FILE NUMBER:

Preliminary 🗌 Or Approved 🛛

OPITIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

U.S. Army Corps of Engineers, Chicago District

APPLICANT: Remington Homes PROJECT LOCATION/WATERWAY: Kane County

FILE NUMBER: 200600281 PROJECT REVIEW COMPLETED:
☐ Office ☐ Field Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2) Based on available information: ☐ There are no waters on the project site.
☐ There are non-jurisdictional waters on the project site. There are waters of the United States on the project site. There are both waters of the United States and non-jurisdictional waters on the project site. **Basis of Jurisdictional Determination:** There are no jurisdictional waters of the United States present on the project site. The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1)) The presence of interstate waters (including interstate wetlands¹). (33 CFR 328.3 (a)(2)) The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5)) The presence of wetlands adjacent² (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7)) The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds). Other: ☐ Section 10 waterway. Information Reviewed ☑ U. S. Fish and Wildlife Service National Wetland Inventory: ELGIN. U. S. Geological Survey Hydrologic Atlas: ELGIN, HA 147. ☐ USDA Natural Resources Conservation Service Soil Survey for Kane County. U. S. Geological Survey 7.5 Minute Topographic Maps: ELGIN, 1992. U. S. Geological Survey 7.5 Minute Historic Quadrangles: U. S. Geological Survey 15 Minute Historic Quadrangles: Aerial Photographs (Name & Date):2002 Advanced Identification Wetland Maps: KANE COUNTY ⊠ Site Visit Conducted on: 3/28/2006 Other information: FEMA FIRM MAP Rationale for Basis (applies to any boxes checked above): Wetland A includes an unnamed tributary to Tyler Creek, which drains to the Fox River, a navigable waterway, and is therefore jurisdictional. Farmed Wetland 1 is adjacent to Wetland A and the tributary, and is also jurisdictional. Farmed Wetland 2 does not exhibit a surface water connection to a navigable waterway and is therefore not subject to Department of the Army regulations. Lateral Extent of Jurisdiction (33 CFR 328 and 329): Ordinary High Water Mark indicated by: clear, natural line impressed on the bank destruction of terrestrial vegetation the presence of litter and debris shelving changes in the character of soils other: wetland boundary **Basis for Declining Jurisdiction:** Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7) Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale] **Confirmation of Wetland Boundaries** This office concurs with your wetland delineation report dated , prepared by This office does not confirm your wetland boundary. Recommended by: Approved by: _

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

² Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

FILE NUMBER: 200600281				
REGULATORY PROJECT MANAGER:	Jaimee Hammit	Date: 5/9/2	006	
PROJECT REVIEW/DETERMINATION C	·	,	(Y/N) Date: () Date: 3/28/2006	
PROJECT LOCATION INFORMATION:		. ,	•	
State:		II	linois	
County:		K	ane	
Center coordinates of site by latitud	de & longitudinal coor	dinates: 42	2.047 2, -88.3721	
Approximate size of site/property (including uplands & in	acres): 98	8	
Name of waterway or watershed:		uı	nnamed tributary to Tyler Creek,	Fox
SITE CONDITIONS:			• •	

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole					16				
Wet meadow								7	
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									
Cheek annuousista howas that h	- describe	tuna of iso	lated non	navigable i	ntro etate vyo	tow proceed as	nd heat actim	ata far siga a	Caon
¹ Check appropriate boxes that be jurisdictional aquatic resource as		type of isc	olated, non	-navigable, i	ntra-state wa	ter present ar	nd best estim	ate for size of	f non-

Migratory Bird Rule Factors¹:	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					
Is or would be used as habitat by other migratory birds that cross state lines?					
Is or would be used as habitat for endangered species?					
Is used to irrigate crops sold in interstate commerce?				\boxtimes	
¹ Check appropriate boxes that best describe potential for appl	icability of	f the Migrat	ory Bird Rule to	apply to onsite, non-	jurisdictional, isolated
non-navigable, intra-state aquatic resource area.					

Preliminary ☐ Or Approved ☒

TYPE OF DETERMINATION:

DISTRICT OFFICE: Chicago

OPITIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

U.S. Army Corps of Engineers, Chicago District APPLICANT: MB Financial Bank PROJECT LOCATION/WATERWAY: 570-acre parcel located north and south of Route 20 in Udina, Kane County, Illinois (Sections 12 and 13, T41N R7E) FILE NUMBER: 200600256 PROJECT REVIEW COMPLETED: ⋈ Office ⋈ Field Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2) Based on available information: ☐ There are no waters on the project site. There are non-jurisdictional waters on the project site. ☐ There are waters of the United States on the project site. There are both waters of the United States and non-jurisdictional waters on the project site. **Basis of Jurisdictional Determination:** There are no jurisdictional waters of the United States present on the project site. The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1)) The presence of interstate waters (including interstate wetlands¹), (33 CFR 328.3 (a)(2)) The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5))

The presence of wetlands adjacent² (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7)) The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds). Other: Section 10 waterway. Information Reviewed U. S. Fish and Wildlife Service National Wetland Inventory: PINEGREE GROVE. U. S. Geological Survey Hydrologic Atlas: PINGREE GROVE, HA 232. USDA Natural Resources Conservation Service Soil Survey for Kane County. U. S. Geological Survey 7.5 Minute Topographic Maps: PINGREE GROVE, 1992. U. S. Geological Survey 7.5 Minute Historic Quadrangles: U. S. Geological Survey 15 Minute Historic Quadrangles: Aerial Photographs (Name & Date): no source or date Advanced Identification Wetland Maps: KANE COUNTY Site Visit Conducted on: April 10, 2006 by Jaimee W. Hammit of the USACE, Chicago District Other information: FEMA FIRM, Wetland Assessment Report, dated October 2005, prepared by Bollinger, Lach and Associates Rationale for Basis (applies to any boxes checked above): Wetlands 4-6, and 8 have a surface water tributary system connection to Fitchie Creek (also located on-site), which flows into Otter Creek. Otter Creek flows into Ferson Creek, which is a tributary of the Fox River, a navigable waterway. Wetlands 12 and 13 are adjacent to Fitchie Creek and also under the jurisdiction of the U.S. Army Corps of Engineers. Wetlands 1-3, 7, and 9-11 do not have a surface water tributary system connection and are isolated. Therefore, Wetlands 1-3, 7 and 9-11 are not under the jurisdiction of the U.S. Army Corps of Engineers. Lateral Extent of Jurisdiction (33 CFR 328 and 329): Ordinary High Water Mark indicated by: clear, natural line impressed on the bank destruction of terrestrial vegetation the presence of litter and debris shelving changes in the character of soils wetland boundary **Basis for Declining Jurisdiction:** ☐ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7) Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale] **Confirmation of Wetland Boundaries** This office concurs with your wetland delineation report dated October 2005, prepared by Bollinger, Lach and Associates. This office does not confirm your wetland boundary.

Recommended by: ___

Approved by: ___

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

² Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Chicago FILE NUMBER: 200600256	LRC-200	6-14032)									
REGULATORY PROJECT N	1ANAGE	R: Ja	imee Ha	ammit	D	eate: 05/10/06					
PROJECT REVIEW/DETER PROJECT LOCATION INFO			IPLETE		In the offic ne project si	te (Y/N	Date: 04/10				
State: County: Center coordinates of Approximate size of Name of waterway of SITE CONDITIONS:	site/prope	erty (incl				570 ac	 12-3-2, Lon: 88				
Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 a	ic 10-25	ac 25-50 ac	> 50 ac	Linear Unknown feet			
Lake			T		П						
River	Ħ	Ħ	T I	17	ΠĒ	一一百一	一百一	H			
Stream	T	\Box	T	一百				T T			
Dry Wash	Ħ		T	TH			Th	i i i			
Mudflat	ΙĦ	in	17	一百				l li			
Sandflat	Ħ	T T	17	一百							
Wetlands	Ħ	Ħ	† H								
Slough	Ħ	Ħ	TH-				ᅥᆏ	H H			
Prairie pothole	Ħ	H	TH-	ᅥᆏ			TH T	l li			
Wet meadow	H	Ħ	†Ħ-	TH-							
Playa lake	H	t H	$\vdash \vdash \vdash$	ᅥᆏ	ᅥ片		ᅥᅥ	H			
Vernal pool	t H	Ħ	+∺ -	ᅥᆏ				l in			
Natural pond	† 	tH-	†Ħ	ᅥ片				l li			
Other water (identify type)											
¹ Check appropriate boxes that bes jurisdictional aquatic resource are		type of iso	lated, no	n-navigab	le, intra-state	water present	and best estimat	te for size of non-			
				1		1					
Migratory Bird Rule Factors ¹ :				If Know	n	If Unknown	If Unknown Use Best Professional Judgment				
				Yes	No	Predicted to Occur	Not Expected to				
Is or would be used as habitat for birds protected by Migratory Bird Treaties?											
Is or would be used as habitat by other migratory birds that cross state lines?											
Is or would be used as habitat for	endangere	d species?					\boxtimes				
Is used to irrigate crops sold in int	terstate co	mmerce?									
¹ Check appropriate boxes that best non-navigable, intra-state aquatic	st describe resource a	potential (irea.	for appli	cability of	the Migrator	y Bird Rule to	apply to onsite, n	non-jurisdictional, isolated,			
TYPE OF DETERMINATION: Preliminary ☐ Or Approved ☒											

OPITIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT U.S. Army Corps of Engineers, Chicago District

APPLICANT: Keating Resources Laraway Road and Brandon Road in the City of Joliet, Will County, Illinois FILE NUMBER: LRC-2006-643 PROJECT LOCATION/WATERWAY: Northwest and southeast of the Intersection of Management of the Intersection of Management of the Intersection of Management of Intersection of Intersectio
Approved Jurisdictional Determination (JD) (For Sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2) Based on available information: There are no waters on the project site. There are non-jurisdictional waters on the project site. There are waters of the United States on the project site. There are both waters of the United States and non-jurisdictional waters on the project site.
Basis of Jurisdictional Determination:
There are no jurisdictional waters of the United States present on the project site. The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1)) The presence of interstate waters (including interstate wetlands¹). (33 CFR 328.3 (a)(2)) The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5)) The presence of wetlands adjacent² (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7)) The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds). Other: Section 10 waterway.
Information Reviewed U. S. Fish and Wildlife Service National Wetland Inventory: JOLIET. U. S. Geological Survey Hydrologic Atlas: JOLIET, 89. USDA Natural Resources Conservation Service Soil Survey for Will County. U. S. Geological Survey 7.5-Minute Topographic Maps: JOLIET, 1993. U. S. Geological Survey 7.5-Minute Historic Quadrangles:
Rationale for Basis (applies to any boxes checked above): Farmed Wetland 1 is hydrologically connected to Wetland 1 and it therefore jurisdictional. Farmed Wetland 2 and the Wetland/Open Water Pond are adjacent to Wetland 1 and are jurisdictional a well. Wetland 1 is a tributary to Cedar Creek. Cedar Creek drains into the Des Plaines River a navigable waters of the U.S. Farmed Wetland 3 is isolated and therefore not jurisdictional.
Lateral Extent of Jurisdiction (33 CFR 328 and 329): Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil wetland boundary destruction of terrestrial vegetation shelving other:
Basis for Declining Jurisdiction:
 ✓ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7) ✓ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria ✓ Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]
Confirmation of Wetland Boundaries ☐ This office concurs with your wetland delineation report dated February 1, 2006, prepared by Encap. ☐ This office does not confirm your wetland boundary
Recommended by:
Approved by:
Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e.,

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

² Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFI	CE: Chicago
FILE NUMBER:	LRC2006643

REGULATORY PROJECT MANAGER: Melyssa Navis Date: 16 May 2006 PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date: At the project site Y (Y/N) Date: 28 April 2006 PROJECT LOCATION INFORMATION: State: Illinois County: Will 87 '45" 3 & 45 99' 01 Center coordinates of site by latitude & longitudinal coordinates: Approximate size of site/property (including uplands & in acres):

Name of waterway or watershed:

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ас	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type) Farmed Wetland	_ 🗵								
Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.									

Migratory Bird Rule Factors¹:	If K	lnown	If Unknown Use Best Professional Judgment				
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination		
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					\boxtimes		
Is or would be used as habitat by other migratory birds that cross state lines?							
Is or would be used as habitat for endangered species?							
Is used to irrigate crops sold in interstate commerce?					\boxtimes		
¹ Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.							

Preliminary Or Approved

TYPE OF DETERMINATION:

OPITIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

U.S. Army Corps of Engineers, Chicago District

APPLICANT: Phillip Dressler PROJECT LOCATION/WATERWAY: Kane County / Selmarten Creek
FILE NUMBER: 200600296 (LRC-2006-14060) PROJECT REVIEW COMPLETED: ☐ Office ☑ Field
Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2) Based on available information: There are no waters on the project site. There are non-jurisdictional waters on the project site. There are waters of the United States on the project site. There are both waters of the United States and non-jurisdictional waters on the project site.
Basis of Jurisdictional Determination:
 □ There are no jurisdictional waters of the United States present on the project site. □ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1)) □ The presence of interstate waters (including interstate wetlands¹). (33 CFR 328.3 (a)(2)) □ The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5)) □ The presence of wetlands adjacent² (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7)) □ The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds). □ Other: □ Section 10 waterway.
Information Reviewed
 ☑ U. S. Fish and Wildlife Service National Wetland Inventory: AURORA NORTH. ☐ U. S. Geological Survey Hydrologic Atlas: ☐ USDA Natural Resources Conservation Service Soil Survey for Kane County. ☐ U. S. Geological Survey 7.5 Minute Topographic Maps: AURORA NORTH, 1993. ☐ U. S. Geological Survey 7.5 Minute Historic Quadrangles: ☐ U. S. Geological Survey 15 Minute Historic Quadrangles: ☐ Aerial Photographs (Name & Date):2002 ☐ Advanced Identification Wetland Maps: KANE COUNTY ☐ Site Visit Conducted on: 3/30/2006 ☐ Other information: FEMA FIRM Map
Rationale for Basis (applies to any boxes checked above): Selmarten Creek flows through the project site and to the Fox River,
a navigable waterway. Wetland 1 is adjacent to the creek and is also jurisdictional. Wetland 2 is connected to Selmarten Creek by a pipe, and is also jurisdictional. Investigated Area 1 appears to be a wetland, however it does not have a surface water connection to Selamarten Creek and is not subject to Department of the Army regulations.
Lateral Extent of Jurisdiction (33 CFR 328 and 329):
Ordinary High Water Mark indicated by: clear, natural line impressed on the bank destruction of terrestrial vegetation shelving other: wetland boundary other:
Basis for Declining Jurisdiction:
 ✓ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7) ✓ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria ✓ Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]
Confirmation of Wetland Boundaries ☐ This office concurs with your wetland delineation report dated December 22, 2005, prepared by ENCAP, Inc. ☐ This office does not confirm your wetland boundary.
Recommended by:
Date: 5-16-06 Date: 5-17-06 Date: 5-17-06 Date: 5-17-06 Date:

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

² Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

Date: 5/2/2006

Jaimee Hammit

DISTRICT OFFICE: Chicago

FILE NUMBER: 200600293 (LRC-2006-14060)

REGULATORY PROJECT MANAGER:

PROJECT REVIEW/DETER PROJECT LOCATION INFO State: County: Center coordinates of Approximate size of Name of waterway of SITE CONDITIONS:	ORMATION of site by I	ON: atitude & erty (incli	: longitu	At th	ordinates:	iteY (Y/N) Illi Ka 41. 9.4	inois ne . 797 4, -88.2727		d
Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 a	ic 10-25	5 ac 25-5	0 ac > 50 ac	Linear	Unknown
Lake								1557	
River	T	一	IП	一百	一一				
Stream	 	$\vdash \Box$		一百					15
Dry Wash	17	\sqcap	TF	TH					T T
Mudflat	TĦ	TH	T	TH	TH				17
Sandflat	† 	† 	Ħ	一一	一一一		— F		15
Wetlands		†Ħ-	†Ħ	TH	一片		一一一		18
Slough	TH	T T	t Fi	一一	T		— - - - 		一十百一一
Prairie pothole	† 	Ħ	† Fi	一片					15
Wet meadow	17	†Ħ	15	一一	一一一		一一百一		1 <u>5</u>
Playa lake	†Ħ	t H —	† 	ᅥᆏ		一一片			15
Vernal pool	1Ħ-	Ħ	†Ħ	ᅥ片					1
Natural pond	TH	tH-	† Fi	TH	一十一				
Other water (identify type)									
¹ Check appropriate boxes that be jurisdictional aquatic resource an Migratory Bird Rule Factors ¹ :		type of iso	olated, no	n-navigal		If Unkno			of non-
				Yes	No	Predicted to Occur	Not Expecte	ed to No	t Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?									
Is or would be used as habitat by other migratory birds that cross state lines?									
Is or would be used as habitat for endangered species?									
Is used to irrigate crops sold in interstate commerce?									
¹ Check appropriate boxes that be non-navigable, intra-state aquati			for applic	cability of	the Migrato	ry Bird Rule	to apply to onsite	e, non-jurisdi	ictional, isolated,
TYPE OF DETERMINATIO	N:				I	Preliminary	Or Appr	oved 🛚	

OPITIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce

connections; and paragraph 4 - site information on waters of the U.S. occurring onsite):

U.S. Army Corps of Engineers, Chicago District

APPLICANT: American Development PROJECT LOCATION/WATERWAY: Kane County

FILE NUMBER: 200600322 PROJECT REVIEW COMPLETED:

☐ Office ☐ Field Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2) Based on available information: There are no waters on the project site. There are non-jurisdictional waters on the project site. There are waters of the United States on the project site. There are both waters of the United States and non-jurisdictional waters on the project site. **Basis of Jurisdictional Determination:** There are no jurisdictional waters of the United States present on the project site. The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1)) The presence of interstate waters (including interstate wetlands¹). (33 CFR 328.3 (a)(2)) The presence of a tributary to an interstate water or other water of the US, (33 CFR 328.3 (a)(5)) The presence of wetlands adjacent² (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7)) The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds). Other: Section 10 waterway. Information Reviewed U. S. Fish and Wildlife Service National Wetland Inventory: AURORA NORTH. U. S. Geological Survey Hydrologic Atlas: ☐ USDA Natural Resources Conservation Service Soil Survey for Kane County. U. S. Geological Survey 7.5 Minute Topographic Maps: AURORA NORTH, 1993. U. S. Geological Survey 7.5 Minute Historic Quadrangles: U. S. Geological Survey 15 Minute Historic Quadrangles: Aerial Photographs (Name & Date):2002 Advanced Identification Wetland Maps: KANE COUNTY Site Visit Conducted on: 3/30/2006 Other information: NRCS Swampbuster Map, FEMA FIRM map Rationale for Basis (applies to any boxes checked above): Wetland 1, as delineated by ENCAP, is not under the jursidiction of the Army Corps of Engineers because there is not a surface water tributary system connection to Selmarten Creek. Lateral Extent of Jurisdiction (33 CFR 328 and 329): Ordinary High Water Mark indicated by: clear, natural line impressed on the bank destruction of terrestrial vegetation the presence of litter and debris changes in the character of soils wetland boundary **Basis for Declining Jurisdiction:** Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7) Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale] Confirmation of Wetland Boundaries This office concurs with your wetland delineation report dated , prepared by This office does not confirm your wetland boundary. Recommended by: Approved by: _

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

² Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

FILE NUMBER: 200600322				
REGULATORY PROJECT MANAGER:	Jaimee Hamm	nit Date:	5/16/200	06
PROJECT REVIEW/DETERMINATION CO		In the office At the project siteY	•	
PROJECT LOCATION INFORMATION:		At the project site i	(1/11)	Date: 3/30/2000

State: Illinois County: Kane

Center coordinates of site by latitude & longitudinal coordinates: 41.7971, 88.2704

Approximate size of site/property (including uplands & in acres):

2 Fox

Name of waterway or watershed: SITE CONDITIONS:

DISTRICT OFFICE: Chicago

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond						T	†Ē		
Other water (identify type)			10						
	-								
¹ Check appropriate boxes that jurisdictional aquatic resource		type of iso	lated, non	navigable, i	ntra-state wat	ter present ar	d best estim	ate for size o	f non-

Migratory Bird Rule Factors ¹ :	If Known			If Unknown Use Best Professional Judgment			
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination		
Is or would be used as habitat for birds protected by Migratory Bird Treaties?							
Is or would be used as habitat by other migratory birds that cross state lines?							
Is or would be used as habitat for endangered species?							
Is used to irrigate crops sold in interstate commerce?							
¹ Check appropriate boxes that best describe potential for appl non-navigable, intra-state aquatic resource area.	icability of	the Migrat	ory Bird Rule to	apply to onsite, non-	jurisdictional, isolated,		

TYPE OF DETERMINATION:

OPITIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

Preliminary ☐ Or Approved ⊠

U.S. Army Corps of Engineers, Chicago District

APPLICANT: McHenry Country Club PROJECT LOCATION/WATERWAY: McHenry County
FILE NUMBER: LRC-206-579 PROJECT REVIEW COMPLETED: Office Field
Approved Jurisdictional Determination (JD)(For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2). An approved JD is an appealable action. (33 CFR 331.2) Based on available information: There are no waters on the project site. There are non-jurisdictional waters on the project site. There are waters of the United States on the project site. There are both waters of the United States and non-jurisdictional waters on the project site.
Basis of Jurisdictional Determination:
 □ There are no jurisdictional waters of the United States present on the project site. □ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1)) □ The presence of interstate waters (including interstate wetlands¹). (33 CFR 328.3 (a)(2)) □ The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5)) □ The presence of wetlands adjacent² (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7)) □ The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds). □ Other: □ Section 10 waterway.
Information Reviewed
 U. S. Fish and Wildlife Service National Wetland Inventory: MCHENRY. U. S. Geological Survey Hydrologic Atlas: MCHENRY, HA 255. USDA National Resources Conservation Service Soil Survey for McHenry County. U. S. Geological Survey 7.5 Minute Topographic Maps: MCHENRY, 1992. U. S. Geological Survey 7.5 Minute Historic Quadrangles: U. S. Geological Survey 15 Minute Historic Quadrangles: Aerial Photographs (Name & Date):2001 Advanced Identification Wetland Maps: MCHENRY COUNTY Site Visit Conducted on: 3/30/2006 Other information: NRCS Wetland Map, FEMA FIRM map, McHenry County Natural Areas Inventory Map
Rationale for Basis (applies to any boxes checked above): Wetland 3 drains to the Fox River, a navigable waterway, and is therefore jurisdictional. Wetland 2 exists in the southwest corner of the subject property and is connected to Wetland 3, and is therefore jurisdictional. Wetland 1 is in the northwest section of the property and does not exhibit a surface water connection to navigable waterway and is therefore not subject to Department of the Army regulations.
Lateral Extent of Jurisdiction (33 CFR 328 and 329): Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank destruction of terrestrial vegetation shelving changes in the character of soil other: wetland boundary
Basis for Declining Jurisdiction:
 ✓ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7) ✓ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria ✓ Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]
Confirmation of Wetland Boundaries ☐ This office concurs with your wetland delineation report dated ☐ This office does not confirm your wetland boundary ☐ This office does not confirm your wetland boundary
Recommended by: S
Recommended by: $S - S - Date: S - 2 - 2006$ Approved by: $S - S - Date: S - 3 - 2006$

a

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

² Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

FILE NUMBER: LRC-2006-579			
REGULATORY PROJECT MANAGER:	Kate Bliss	Date:	5/2/2006
PROJECT REVIEW/DETERMINATION C	OMPLETED:	In the office At the project siteY	(Y/N) Date: (Y/N) Date: 3/30/2006
PROJECT LOCATION INFORMATION:			` ,
State:			Illinois
County:			McHenry
Center coordinates of site by latitud	le & longitudir	al coordinates:	42.33931 , -88.263625
Approximate size of site/property (i	including uplai	nds & in acres):	27
Name of waterway or watershed:			Fox
SITE CONDITIONS:			

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River								,	
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									
	-								
¹ Check appropriate boxes that jurisdictional aquatic resource		type of iso	lated, non	-navigable, i	ntra-state was	ter present aı	nd best estim	ate for size of	non-

Migratory Bird Rule Factors¹:	If Known			If Unknown Use Best Professional Judgment				
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination			
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			⊠					
Is or would be used as habitat by other migratory birds that cross state lines?								
Is or would be used as habitat for endangered species?								
Is used to irrigate crops sold in interstate commerce?								
¹ Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.								

Preliminary ☐ Or Approved ⊠

TYPE OF DETERMINATION:

DISTRICT OFFICE: Chicago

OPITIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

U.S. Army Corps of Engineers, Chicago District

APPLICANT: Pacini Group PROJECT LOCATION/WATERWAY: McHenry County
FILE NUMBER: LRC-2006-14146 (200600379) PROJECT REVIEW COMPLETED: ☑ Office ☐ Field
Approved Jurisdictional Determination (JD)(For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2). An approved JD is an appealable action. (33 CFR 331.2) Based on available information: There are no waters on the project site. There are non-jurisdictional waters on the project site. There are waters of the United States on the project site. There are both waters of the United States and non-jurisdictional waters on the project site.
Basis of Jurisdictional Determination:
 □ There are no jurisdictional waters of the United States present on the project site. □ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1)) □ The presence of interstate waters (including interstate wetlands¹). (33 CFR 328.3 (a)(2)) □ The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5)) □ The presence of wetlands adjacent² (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7)) □ The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds). □ Other: □ Section 10 waterway.
Information Reviewed
 U. S. Fish and Wildlife Service National Wetland Inventory: MCHENRY. U. S. Geological Survey Hydrologic Atlas: MCHENRY, HA 255. USDA National Resources Conservation Service Soil Survey for McHenry County. U. S. Geological Survey 7.5 Minute Topographic Maps: MCHENRY, 1992. U. S. Geological Survey 7.5 Minute Historic Quadrangles: U. S. Geological Survey 15 Minute Historic Quadrangles: Aerial Photographs (Name & Date): 1999, 2004 Advanced Identification Wetland Maps: MCHENRY COUNTY Site Visit Conducted on: Other information:
Rationale for Basis (applies to any boxes checked above): Referencing the Wetland Delineation Report dated December 30, 2005, as prepared by Hey and Associates, Inc., Wetland 1 and 2 are tributary to the Fox River, a navigable waterway under Department of the Army jurisdiction. Wetland 3 and Farmed Wetlands 4, 5, 6, 7 and 8 are considered isolated and are therefore not regulated by the Department of the Army.
Lateral Extent of Jurisdiction (33 CFR 328 and 329): Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil wetland boundary destruction of terrestrial vegetation shelving other:
Basis for Declining Jurisdiction:
 ✓ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7) ✓ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria ✓ Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]
Confirmation of Wetland Boundaries ☐ This office concurs with your wetland delineation report dated December 30, 2005, prepared by Hey and Associates, Inc. ☐ This office does not confirm your wetland boundary
5 - 5/2/0/
Date: 5 3 06
Approved by:
Watlands are identified and delineated using the methods and criteria established in the Come Watland Delineation Manual (07 Manual) (i.e.

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

² Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Chicago

FILE NUMBER: LRC-2006-14146 (200600379)

REGULATORY PROJECT MANAGER: Kate Bliss					Date: 5/3/06							
PROJECT REVIEW/DETERMINATION COMPLETED PROJECT LOCATION INFORMATION: State: County: Center coordinates of site by latitude & longitudi						te (Y/N Illino McHe 42.30	•					
Approximate size of Name of waterway of SITE CONDITIONS:			iding upla	inds & i	n acres):	240 Fox R	River					
Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25	ac 25-50 ac	c > 50 ac	Linear feet	Unknown			
Lake	SIEMENTSGER	M RECOLUTE SEPERA		INSIGADENS	HARSHARKANI	SECULAR REPORT	SECRETAL DESIGNATION	leet				
River	Ħ	\Box	T	Ħ					16			
Stream	T T	T 🗂	Ħ	Ħ								
Dry Wash	†Ħ-	T I	Ħ	Ħ	Ħ				18			
Mudflat	†Ħ	17	Ħ	Ħ	TH	一			t n			
Sandflat	1百一	tĦ-	Ħ	Ħ	一十一				† 			
Wetlands	†Ħ	TH T	Ħ	Ħ	TH				†Ħ			
Slough	Ħ	1 7 7	Ħ	Ħ	一一				† 			
Prairie pothole	 	 - - 	H	H			ᅥ岩		 			
Wet meadow	 	+ = -	 	H	 -				+=			
Playa lake	Ħ	 - - - - 	H	H		─ ─┼┼─			+=			
Vernal pool	+#-	+=	 	H					+=			
Natural pond	 	++	 	H	- 				+=			
Other water (identify type)	╁┼	╁┼	 	 	$\dashv \exists$		- 		+=			
Other water (identity type)		-		🗆								
¹ Check appropriate boxes that bes jurisdictional aquatic resource are		type of iso	lated, non-	navigabl	e, intra-state	e water present	and best estimat	e for size of	non-			
Migratory Bird Rule Factors¹:				f Known		- Control (12-1303027656666666	If Unknown Use Best Professional Judgment					
				Yes	No	Predicted to Occur	Not Expected Occur	to Not	Not Able To Make Determination			
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				\boxtimes								
Is or would be used as habitat by other migratory birds that cross state lines?				X								
Is or would be used as habitat for endangered species?							\boxtimes					
Is used to irrigate crops sold in interstate commerce?							\boxtimes					
¹ Check appropriate boxes that be non-navigable, intra-state aquatic			for applical	bility of t	he Migrator	y Bird Rule to	apply to onsite, n	on-jurisdic	tional, isolated,			
TYPE OF DETERMINATION: Preliminary Or Approved OPITIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 –												

rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce

connections; and paragraph 4 - site information on waters of the U.S. occurring onsite):